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# BRIEF PRESENTED TO THE HOUSE OF COMMONS

# JUSTICE AND LEGAL AFFAIRS COMMITTEE

# CONCERNING PROSTITUTION AND SOLICITING

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April, 1984

The Manitoba Advisory Council on the Status of Women is a body appointed by the Government of Manitoba to advise them on matters of concern to the status of women. In considering the appropriate legal response to the problems surrounding prostitution, the following conclusions were reached:

1. Decriminalization - There should be no legal prohibition enacted by any jurisdiction relating to soliciting.

2. Legalization - There should be no regulatory or licensing laws enacted by any jurisdiction relating to soliciting.

3. Procuring - There should continue to be criminal prohibition for procuring and living on the avails of prostitution.

## 1. DECRIMINALIZATION

So long as we live in a society that treats women as sexual objects and encourages men to sever sexual feeling from emotional feeling, there will be a demand for the sexual services of women and women will be prepared to meet that demand so long as they are economically disadvantaged.

However, it is submitted that the continued

criminalization of prostitution is undesirable. It adds a criminal record to the other difficulties of women who are already demoralized and condemned by many sectors of our society, thereby reducing their ability to pursue alternatives to selling their body in order to make a living.

It is possible that many of the problems surrounding prostitution such as physical and psychological harassment by police and society may be the results of the law rather than conditions inherent in the activity. Decriminalization could go a long way towards eliminating exploitation in this area.

Protection for juveniles would still remain despite decriminalization as a result of provisions presently existing in the Young Offenders Act and Bill C-127's revisions to the Criminal Code. Street problems which are a vocal concern of certain citizen's groups and civic governments can best be controlled through the use of other existing legislation. For example: Section 171, dealing with disorderly conduct; Section 169, concerning indecent acts; and the sections covering assault. By-laws concerning traffic, noise and public disturbance have been or could be enacted locally to aid in the control of the nuisance factor. Zoning by-laws could prohibit soliciting in residential areas.

The removal of the offence of running a bawdy house would allow a prostitute to run a business in her own home and would help her to better provide for her own personal safety as well as assisting in removing the problem from the streets.

The one major difficulty which Council wishes to raise is the possibility that decriminalization may open the door to quasi-criminal regulating by other jurisdictions. If the federal government fails to "occupy the field", it may be open to other governments to enact a variety of laws of uncertain content. We wish to be reassured that the Fraser Committee will have investigated this issue to ensure that the result of decriminalization will not be less desirable than the present situation.

## 2. LEGALIZATION

Legalization of prostitution in other countries appears to be very similar to what happens in the pornography industry - women do the sex work and men reap the profits. Legalization simply changes a woman's pimp from the man on the street to the government.

Societal attitudes towards prostitutes would not encourage or support humane working conditions. Prostitutes report outrageous conditions in the working environment of

government licensed brothels in other countries. The negativism and abuse currently experienced by a prostitute through the legal system and by society in general could be translated into more stringent laws that control and harm them in a more direct way than the current legislative scheme.

Further, licensing would not eliminate "unregulated" solicitation. There would always be those who were unwilling or unable to obtain a license and an entire sub-industry would develop.

3. PROCURING

It is submitted that considerable violence is used against prostitutes by their pimps and that pimps further entice children and young people into prostitution. "The pimp is a businessman who can identify 'hungry eyes'... With a reservoir of 700,000 homeless female runaways, they go after their merchandise." * It is hoped that decriminalizing will reduce a prostitute's dependency on her pimp whom she currently needs for protection. However, such a relationship is inherently exploitive and must be criminally sanctioned.

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* Florence Rush, "The Best Kept Secret - Sexual Abuse of Children" (New Jersey: Prentice-Hall Inc., 1980), page 161.

OTHER SOLUTIONS

The Council does not wish to promote or encourage prostitution but recognizes the reality that there appears to be a sufficient demand to enable the practice to continue. If the federal government is truly committed to reducing solicitation, it must look at the conditions that lead a woman into prostitution and at the nature of our society which perceives women as sexual objects to be bought and sold. Women often become involved in prostitution as children because they have run away and are without options for ways to support themselves. "The homeless female juvenile is barred from every occupation but prostitution." * And often, their homelessness is without option:

> The runaways of today can't or won't return home because they were thrown out, starved, raped, beaten, and the street, miserable as it is, is better than what they left. **

We must create real career choices for women with opportunities to earn a decent wage.

> No girl...sets out to be a prostitute. Such stupidity would be incredible. Who wants to be a pariah, a social outcase...treated with contempt,

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* Ibid, page 160.

** Lillian Ambrosino, "Runaways" (Boston: Beacon Press, 1971), pp. 3 - 4.

jailed, beaten, robbed and finally kicked in the gutter when she is no longer salable? *

Until women have equality of opportunity and treatment, there will be those who endure the censure, arrest, harassment and punishment of prostitution in order to make a living wage. A woman does not solicit because she is lazy, wants a good time, an easy life, or is a nymphomaniac, or frigid, hates her mother, or her father, or both. In the overwhelming majority of cases the common denominator is money.

For those who are already involved in prostitution we must provide services in re-training, life skills and assertiveness training, and affirmative action in all areas.

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* Polly Adler, "A House is not a Home" (New York: Holt, Rinehart and Winston Publishers, 1953)

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